



PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this transmittal is being deposited with the United States Postal Service with sufficient postage for first-class mail in an envelope addressed to Attention: Office of Petitions, Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Judith A. Parrish

Name of Person Mailing Paper

September 6, 2005

Signature of Person Mailing Paper

Date of Deposit

Applicants: Brendan Roberts & Sam Patterson

Application No.: 10/709,477

Filing Date: May 7, 2004

Entitled: METHOD AND SYSTEMS FOR  
REHABILITATING AND  
RETRAINING THE NECK  
MUSCULATURE

Atty. Docket No.: 10978-7801U

Group Art Unit: 3764

Examiner: Not yet assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Attention: Office of Petitions  
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.53(b) mailed July 1, 2004, copy enclosed, attached hereto are the following:

[X] Petition for Revival of an Application for Patent is enclosed herewith,

- [X] Nine (9) sheets of Replacements Drawings, FIGS. 1-17;
- [X] Executed Declaration and Power of Attorney for Patent Application
- [X] Affidavit of Joseph R. Englander
- [X] Form PTO-2038 totaling \$1015.00 which includes \$750.00 to cover the petition fee (small entity), the late fee for the oath and/or declaration surcharge, and two (2) independent claims based on a small entity status for \$265.00
- [X] Postcard; and
- [X] Transmittal Letter.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,



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Dated: September 6, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,477	05/07/2004	Brendan Roberts	SwanTrainer

23217  
WEBB LEWIS & MEYERS LLC  
2300 15TH STREET  
SUITE 320  
DENVER, CO 80202

CONFIRMATION NO. 3476

## FORMALITIES LETTER



\*OC000000013120868\*

Date Mailed: 07/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/09/2005 EFLORES 00000019 10709477

## FILED UNDER 37 CFR 1.53(b)

02 FC:2051 65.00 OP  
03 FC:2201 200.00 OP*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 1.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$43 as a small entity, including any required multiple dependent claim fee, are

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65.00 OP

02 FC:2051

65.00 OP

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200.00 OP

03 FC:2201

200.00

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01-FC:2453

required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$108 for a Small Entity

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$43
  - \$43 for 2 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

*T. E. Frickey*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE